



House of Representatives

General Assembly

File No. 160

February Session, 2000

Substitute House Bill No. 5714

House of Representatives, March 22, 2000

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

An Act Concerning Privileged Communications.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 52-146e of the general statutes is
2 repealed and the following is substituted in lieu thereof:

3 (a) All communications and records as defined in section 52-146d
4 shall be confidential and shall be subject to the provisions of sections
5 52-146d to 52-146j, inclusive, as amended. Except as provided in
6 sections 52-146f to 52-146i, inclusive, as amended, and sections 17a-
7 101a to 17a-101g, inclusive, no person may disclose or transmit any
8 communications and records or the substance or any part or any
9 resume thereof which identify a patient to any person, corporation or
10 governmental agency without the consent of the patient or [his] the
11 patient's authorized representative.

12 Sec. 2. Section 52-146f of the general statutes, as amended by section
13 1 of public act 99-178 and section 21 of public act 99-2 of the June

14 special session, is amended by adding subdivision (9) as follows:

15 (NEW) (9) Communications or records may be disclosed if child
16 abuse or neglect, abuse of an elderly individual or an individual who
17 is disabled or incompetent is known or in good faith reasonably
18 suspected.

Statement of Legislative Commissioners:

"as amended" was added for accuracy.

JUD Committee Vote: Yea 39 Nay 0 JFS-LCO

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Affected Agencies: Various

Municipal Impact: None

Explanation**State and Municipal Impact:**

Allowing disclosure of patient communications or records without consent when abuse or neglect of a child, elderly or disabled person is suspected will facilitate investigations by responsible state or municipal agencies and results in no fiscal impact.

OLR Bill Analysis

HB 5714

AN ACT CONCERNING PRIVILEGED COMMUNICATION.**SUMMARY:**

This bill creates two exceptions to the law prohibiting psychiatrists from disclosing records that reveal a patient's identity without his consent. It permits psychiatrists, as mandated reporters of child abuse or neglect, to disclose appropriate authorities the records of their minor patients who are abused or neglected. It also allows them to disclose records of an elderly, disabled, or incompetent patient that they know, or have a good faith reason to suspect, has been abused.

EFFECTIVE DATE: October 1, 2000

BACKGROUND***Psychiatric Communications and Records***

With limited exceptions, communications between a psychiatrist and a patient are privileged and not subject to disclosure without consent. "Communication" means all communications and related records between a psychiatrist and a patient or his family regarding the patient's diagnosis or treatment.

Psychiatrists can, for example, disclose patients' records without consent: (1) to other treating physicians, (2) to the public health commissioner for examinations or inspections, (3) as evidence in certain civil cases, and (4) if they believe the patient poses a substantial risk of harm to himself or others.

Mandated Reported

A "mandated" reporter is a person required to report instances of child abuse and neglect. Mandated reporters include licensed physicians,

dentists, school guidance counselors, licensed substance abuse counselors, and police officers.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Report

Yea 39 Nay 0